

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
February 12, 2004

_____ ACTION/DECISION

 X INFORMATION

- I. **TITLE:** Administrative and Consent Orders issued by Environmental Quality Control
- II. **SUBJECT:** Administrative and Consent Orders issued during the period December 1, 2003, through December 31, 2003.
- III. **FACTS:** For the period December 1, 2003, through December 31, 2003, Environmental Quality Control issued thirty-seven (37) Consent Orders with total assessed civil penalties in the amount of \$296,555.00. There were three (3) Administrative Orders placed in force during this reporting period with total assessed civil penalties of \$58,500.00. There was one (1) Emergency Order placed in force during this reporting period. No civil penalty was assessed.

Unless otherwise specified, "Previous Orders" as listed in this report include the orders issued by Environmental Quality Control programs within the last five (5) years.

Bureau	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
Land & Waste Management				
Hazardous Waste	0	\$ 0	2	\$ 33,150
Solid Waste	0	0	3	1,500
UST Program	0	0	0	0
SUBTOTAL	0	\$ 0	5	\$ 34,650
Water				
Drinking Water	2	\$38,500	7	\$ 9,280
Water Pollution	1	20,000	10	72,800
SUBTOTAL	3	\$58,500	17	\$ 82,080
Air Quality				
SUBTOTAL	0	\$ 0	15	\$179,825
TOTAL	3	\$58,500	37	\$296,555

ANALYSIS: During the reporting period, Hazardous Waste Enforcement issued a consent order with a civil penalty of \$32,200.00 against a Respondent for numerous violations of the large quantity generator regulations. The Respondent had historically operated as a small quantity generator. Due to an increase in production, the Respondent became subject to the large quantity generator requirements, but had not complied with those requirements at the time of a Department inspection. The Respondent is currently operating in compliance with the large quantity generator requirements.

Drinking Water Enforcement issued an emergency order against the owner/operator of a public water system that serves a mobile home park because the system was not being properly operated. The order required the Respondent to immediately take steps to provide an alternate 24-hour water source to residents as well as provide “Boil Water Advisories” to residents. The Respondent completed the installation of a new well that provides 24-hour service to residents and is awaiting the results of bacteriological samples taken from the water.

Water Pollution Enforcement issued an Administrative Order with a civil penalty of \$20,000.00 against a municipality for failure to comply with its permitted discharge limits for biochemical oxygen demand, total residual chlorine and fecal coliform. The Respondent appealed the order, however, the case was dismissed and the Administrative Order became effective on December 18, 2003. The Respondent has not complied with the requirements of the order, and the Department is preparing to file a complaint.

Air Quality Enforcement issued a consent order against a Respondent, in part, for exceeding its permitted emissions limits for volatile organic compounds (VOC) and exceeding the major source threshold for hazardous air pollutants (HAP). The consent order included a civil penalty of \$76,500.00. The Respondent has taken steps to improve the capture and destruction of emissions at the facility, including the reconstruction of its thermal oxidizer, installation of a new capture system, and rerouting VOC emissions to more efficient control equipment.

Of the thirty-seven (37) consent orders issued by EQC enforcement programs during the reporting period, the enforcement programs report, to date, that thirty (30) Respondents have either complied with all requirements of the orders or are currently in compliance with schedules required in those orders.

Submitted by:

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Deputy Commissioner for Environmental Quality Control